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4. Malicious Prosecution (§ 59*)—Evidence—Probable Cause—Reputation.—Plaintiff's previous good reputation, if known to the prosecutor, may be shown on the question of probable cause.

[Ed. Note.—For other cases, see Malicious Prosecution, Cent. Dig. §§ 125-137; Dec. Dig. § 59.* 9 Va.-W. Va. Enc. Dig. 503.]

5. Malicious Prosecution (§ 20*)—Want of Probable Cause.—Good faith on the part of the prosecutor is always a sufficient justification, except where an unreasonable credulity is manifest in inducing him to draw conclusions of guilt which persons of ordinary prudence would not have drawn.

[Ed. Note.—For other cases, see Malicious Prosecution, Cent. Dig. §§ 26-28; Dec. Dig. § 20.* 9 Va.-W. Va. Enc. Dig. 500.]

6. Malicious Prosecution (§ 64*)—Sufficiency of Evidence—Probable Cause.—Evidence held insufficient to show that a prosecution for stealing freight was instituted without probable cause.

[Ed. Note.—For other cases, see Malicious Prosecution, Cent. Dig. §§ 151-153; Dec. Dig. § 64.* 9 Va.-W. Va. Enc. Dig. 504.]

Appeal from Law and Equity Court of City of Richmond.

Action by Joseph L. Mosby against the Southern Railway Company. From a judgment for plaintiff, defendant appeals. Reversed.

Munford, Hunton, Williams & Anderson, for appellant.

L. O. Wendenburg, for appellee.

NORFOLK & W. RY. CO. et al. v. CRULL.

March 9, 1911.

[70 S. E. Rep. 521.]

1. Carriers (§ 224*)—Carriage of Live Stock—Action—Venue.—A cause of action for a carrier's failure to deliver a shipment of live stock in good condition at the point of destination arises at the point of destination.

[Ed. Note.—For other cases, see Carriers, Dec. Dig. § 224.* 13 Va.-W. Va. Enc. Dig. 609.]

2. Corporations (§ 668*)—Process—Service by Publication.—Under Code 1904, § 3225, authorizing service of process on a foreign corporation by publication where there is no agent on whom process may be served, process on a foreign corporation doing business in the state but having no agent at the place of the commencement of the action and the accrual of the cause of action may be served by publication.

[Ed. Note.—For other cases, see Corporations, Cent. Dig. §§ 2603-2627; Dec. Dig. § 668.* 12 Va.-W. Va. Enc. Dig. 231.]

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

3. Carriers (§ 231*)—Carriage of Live Stock—Connecting Carriers—Judgment.—The court, in an action against initial and connecting carriers for damages for joint negligence in transporting a shipment of live stock, may render a joint judgment against them, they being joint tort-feasors arising from their joint concurrent negligence, in failing to properly transport the stock.

[Ed. Note.—For other cases, see Carriers, Dec. Dig. § 231.* 13 Va.-W. Va. Enc. Dig. 213.]

4. Carriers (§ 226*)—Carriage of Live Stock—Damages—Party Entitled to Sue.—Where horses were billed in the name of an agent, and the carrier knew that fact, the shipper could sue in his own name for damages to the horses during transportation.

[Ed. Note.—For other cases see Carriers, Dec. Dig. § 226.* 10 Va.-W. Va. Enc. Dig. 749.]

5. Appeal and Error (§ 1004*)—Review—Excessive Damages.—The court on appeal will not set aside a verdict for excessive damages unless it can plainly see that injustice has been done.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3944-3947; Dec. Dig. § 1004.* 4 Va.-W. Va. Enc. Dig. 202.]

Appeal from Law and Chancery Court of City of Norfolk.

Action by C. E. Crull against the Norfolk & Western Railway Company and another. From a judgment for plaintiff, defendants appeal. Affirmed.

Hughes & Little and Starke, Venable & Starke, for appellants.
G. M. Dillard, for appellee.

SLEDGE & BARKLEY et al. v. REED et al.

March 9, 1911.

[70 S. E. 523.]

1. Fraudulent Conveyances (§ 104*)—Transactions Fraudulent—Transactions between Husband and Wife.—Transfers from a husband to his wife will be closely scrutinized to determine whether they are in good faith and not merely for the purpose of placing his property beyond the reach of his creditors.

[Ed. Note.—For other cases, see Fraudulent Conveyances, Cent. Dig. §§ 337-344; Dec. Dig. § 104.* 6 Va.-W. Va. Enc. Dig. 581.]

2. Fraudulent Conveyances (§ 278*)—Actions—Burden of Proof.—In an action by the husband's creditors to set aside a transfer of his property to his wife, the burden is on her to prove by clear and satisfactory evidence the good faith of the transaction, and that it was not merely colorable.

[Ed. Note.—For other cases, see Fraudulent Conveyances, Cent. Dig. §§ 801, 802; Dec. Dig. § 278.* 6 Va.-W. Va. Enc. Dig. 581.]

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.